

EXHIBIT 1

IN THE CIRCUIT COURT OF

Randolph
MARION

COUNTY, WEST VIRGINIA

CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)FILED
RANDOLPH COUNTY
CLERK'S OFFICE

I. CASE STYLE:

Case No. PC-33

Plaintiff(s)

Judge: 7019 MAR 15 A 11:26DALE P. FIELD, JR.#1 ~~1st~~ ~~1st~~ 400 Abbey Rd.~~Greenwood, WV 26045~~ Belington, WV 26250

vs.

BY _____ DEPUTY

Defendant(s)

Days to
Answer

Type of Service

Altria Group30Certified U.S. Mail

Street Address

6601 W. Broad St.

Street Address

Richmond, Va. 23230

City, State, Zip Code

II. TYPE OF CASE:

- ☒ General Civil
☐ Mass Litigation [As defined in T.C.R. 26.04(a)]
☐ Asbestos
☐ FELA Asbestos
☐ Other: _____
☐ Habeas Corpus/Other Extraordinary Writ
☐ Other: _____

- ☐ Adoption
☐ Administrative Agency Appeal
☐ Civil Appeal from Magistrate Court
☐ Miscellaneous Civil Petition
☐ Mental Hygiene
☐ Guardianship
☐ Medical Malpractice

III. JURY DEMAND: ☒ Yes ☐ No CASE WILL BE READY FOR TRIAL BY (Month/Year): 1 monthIV. DO YOU OR ANY
OF YOUR CLIENTS
OR WITNESSES
IN THIS CASE
REQUIRE SPECIAL
ACCOMMODATIONS?☒ Yes ☐ No

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
☐ Reader or other auxiliary aid for the visually impaired
☐ Interpreter or other auxiliary aid for the deaf and hard of hearing
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Foreign language interpreter-specify language: _____

☒ Other: Cordium Ad Litum, Video/Teleconference hearing (incarcerated)

Attorney Name: _____

Firm: _____

Address: _____

Telephone: _____

Representing:

- ☐ Plaintiff ☐ Defendant
☐ Cross-Defendant ☐ Cross-Complainant
☐ 3rd-Party Plaintiff ☐ 3rd-Party Defendant

☐ Proceeding Without an Attorney

Original and _____ copies of complaint enclosed/attached.

Dated: 3/10/2019Signature: [Signature]

SCA-C-100: Civil Case Information Statement (Other than Domestic Relations)

Revision Date: 12/2015

S U M M O N S

CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

Dale P. Field, Jr.
Tygart Valley Regional Jail
400 Abbey Road
Belington, WV 26250

v.

2019-C-33

David H. Wilmoth

Altria Group
6601 W. Broad St.
Richmond, VA 23230

To the Above-Named Defendant(s):
IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and

required to serve upon

Plaintiff's Attorney, whose address is

Dale P. Field, Jr.
Tygart Valley Regional Jail
400 Abbey Road
Belington, WV 26230

an answer, including any related counter-claim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counter-claim in the above-styled civil action.

DATED: 5/9/2019

Phil Riggleman, Clerk
Randolph County Circuit Court

By: Al Thompson, Deputy

DALE P. FIELD, JR.,
400 Abbey Road
Belington, NV

Plaintiff,

vs.

ALTRIA GROUP,
6601 W. Broad St.
Richmond, VA 23230,

Defendant.

FILED
RANDOLPH COUNTY
CLERK

CASE No.:

19-cv-33

2019 MAR 15 A 11:26

CIRCUIT COURT OF APPEALS

BY _____ DEPUTY

COMPLAINT

Now comes the Plaintiff, Dale P. Field, Jr., pro se, and does hereby set forth the following claims against the Defendant Altria Group, producer of Marlboro Cigarettes, and sets forth such as an original action in this Honorable Court, as his Complaint.

COUNT 1: NEGLIGENCE

The Defendant did engage in acts of negligence when the cigarette manufacturer knowingly and willfully used additives in their products to make said product more addictive to the user (Plaintiff) for the sole purpose of profit, and with complete disregard to the health ramifications to the customer.

COUNT 2: MISREPRESENTATION

The Defendant did engage in acts of misrepresentation by producing and then marketing a product under the guise that and implication that the addictiveness factor is a sole result of the raw tobacco product. This is implied that the product has no additives that lead to a stronger addiction for the sole purpose of profit.

COUNT 3: ADVERTISING INJURY

The ~~Plaintiff~~ ^{Defendant} did engage in acts of advertising injury by marketing an item in a fashion that discloses only partial information, and thus omitting facts for the purpose of misleading the consumer, and gaining profit.

COUNT 4: MORAL WRONG

The Defendant did engage in acts that were morally wrong by adding to their product additional additives that were harmful to the Plaintiff without warning or notification of such additives to the Plaintiff for the purpose of gaining additional profit.

COUNT 5: INTENTIONAL WRONG

The Defendant did engage in acts that were Intentionally wrong, in that the Defendant was aware of the additives to their product, and deliberately deceived the consumer, namely the Plaintiff, intentionally for profit.

COUNT 6: HARMFUL BEHAVIOR

The Defendant did engage in acts of harmful behavior in that by adding additional additives to their product, they intentionally caused harm to the consumer, namely the Plaintiff. The Defendant was aware of the harm that the product caused to the consumer, and posted in warning that the consumer should attempt to quit while intentionally adding additives to prevent the consumer from quitting the act the Defendant knew was harmful.

COUNT 7, 8, 9: BODILY HARM, PHYSICAL HARM, CONTINUING HARM

The Plaintiff moves the Court to allow him leave to list counts 7, 8, and 9 together, as they are all related. The Defendant did engage in acts that did result in bodily, physical and continuing harm to the Plaintiff. As a result of the Defendant's actions, the Plaintiff has suffered damages to his lungs that result in a decreased capacity of lung volume usage. This lung damage is clearly harm directly to the Plaintiff as a result of continued usage of the product manufactured by the Defendant, and their actions to prevent the Plaintiff from quitting the use of their product by the use of additives that said use was concealed from the Plaintiff for the sole purpose of profit.

COUNT 10: IRREPARABLE INJURY

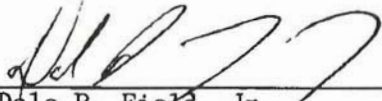
The Defendant did engage in acts that caused irreparable injury to the Plaintiff in that the harm caused to the Plaintiff's lungs cannot be repaired.

The condition of the Plaintiff's lungs, which cannot be repaired, created a unique situation when the Plaintiff, upon taking a physical to be accepted to classes for commercial scuba diving, failed said physical under the lung volume test, and only on the lung volume test. For this reason, the Plaintiff was denied classes, and in turn a job opportunity in the career of his choice. This damage in the way of career and how the additives in their product has effected the career path of the Plaintiff is also irreparable.

The Defendant, Altria Group, and the agents of said entity have recently been directed by the U.S. Supreme Court to notify consumers of the use of these additives in the product consumed by the Plaintiff. The Plaintiff files a timely complaint, in that the complaint is filed within the timeframe required from the time that the use of these additives has been made known by public disclosure under the direction of the Supreme Court of the United States.

WHEREFORE, the Plaintiff files suit against the Defendants having stated a clear claim for which damages can be awarded, and hereby asks this Honorable Court to find in favor of the Plaintiff's complaint and awarding Plaintiff the damages in the amount of (\$750,000.00) seven hundred fifty thousand dollars, plus interest, court costs, attorney fees, and any additional costs this Court may find reasonable to award in this matter.

Respectfully submitted;



Dale P. Field, Jr.
Plaintiff, pro se

IN THE CIRCUIT ^{FILED} COURT OF RANDOLPH COUNTY, WEST VIRGINIA
CIRCUIT

Case No. _____

2019 MAR 15 A 11:26

Dale P. Field, Jr.
Plaintiff or Petitioner

CIRCUIT

v.

ALTRIA GROUP
Defendant or Respondent

BY _____
**FINANCIAL AFFIDAVIT AND APPLICATION:
ELIGIBILITY FOR WAIVER OF FEES, COSTS, OR SECURITY IN A CIVIL OR DOMESTIC CASE
OR FOR COSTS ASSOCIATED WITH
REQUIRED POLYGRAPH EXAMINATION OR ELECTRONIC MONITORING**

A. Information for the Applicant:

1. You will be allowed to file and carry on your civil proceeding without giving security or paying fees or costs that would otherwise be required, if the court finds that you meet the official financial guidelines.
2. You must complete the affidavit for the court to determine if the costs of either a polygraph examination, required by *W.Va. Code § 62-11D-2*, or electronic monitoring, required by *W.Va. Code § 62-11D-3*, will be paid by the supervising entity.
3. You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.
4. You must attach a copy of your most recent salary stub, W-2 form, or other financial documentation (with all social security numbers and all dates of birth removed [*you can black them out*]) that verifies your income. Without the attached documentation, your application will be incomplete and not considered.
5. At any time you may request or the court may require review of your eligibility for a waiver; and at any time the court may require you to pay fees or costs previously waived or to pay future fees or costs.
6. When you sign this form, you will have to swear or affirm that you have completely and truthfully provided all information sought, to the best of your knowledge and ability. *If you knowingly give any incomplete and/or false information, you may be prosecuted for the crime of false swearing.*
7. The information you give in this form will be confidential only in a domestic violence or a divorce case.
8. Except for signatures, all information must be clearly printed.

B. Information about You and Your Case:

1a. Name: Dale P. Field, Jr. 1b. Telephone Number: Incarcerated
1c. Address: Tygart Valley 400 Abbey Rd. Belington, WV 26250
North Central Regional Jail #3558053 1 Lois Lane Greenwood, WV 26415

Case No. _____

2. Describe what is involved in your case:

Civil Suit involving personal injury and bodily damaged due to
negligence and intentional actions knowing to be harmful

3a. Do you have a lawyer? ☐ Yes ☒ Nob. Have you paid or will you have to pay your lawyer? ☐ Yes ☐ Noc. Will you have to pay your lawyer only if you win? ☐ Yes ☐ No

4. Check if seeking waiver for:

☐ Cost of required polygraph examination (W.Va. Code § 62-11D-2); and/or☐ Cost of required electronic monitoring (W.Va. Code § 62-11D-3).**C. Information about Your Financial Situation:**1a. What is your current yearly net (take-home) income from all sources:

Employer:	\$ 0	Second Job:	\$ 0	Self-Employment:	\$ 0
Public Assistance:	\$ 0	Food Stamps:	\$ 0	Unemployment:	\$ 0
Benefits:	\$ 0	Disability Benefits:	\$ 0	Social Security/SSI:	\$ 0
Alimony:	\$ 0	Pensions:	\$ 0	Rental Income:	\$ 0
Interest:	\$ 0	Dividends:	\$ 0	Annuities:	\$ 0
Odd Jobs:	\$ 0	Other:	\$ 0	(specify):	
YEARLY TOTAL: \$ 0.00					

Please remember to attach financial documents which verify this information.

1b. If your listed income is zero (0), please explain below and attach some verification (i.e. DHHR or food stamp information):

I am presently incarcerated, and unable to earn income.

2a. List the names and relationships to you of all the persons supported by this income, whether or not they are household members (provided, that these persons can be claimed as dependents on your federal tax return):

n/a

2b. What is the total number of dependents, including yourself? 13. How much money do you, individually or jointly, have in cash, checking and savings accounts, deposit certificates, and/or bonds (liquid assets)? \$ 0

Case No. _____

4a. List your regular monthly household debt-payment and other expenses:

Mortgage/Rent:	\$ 0	Car Payment:	\$ 0	Loan Payments:	\$ 0
Credit Card Payments:	\$ 0	Other Debt Payments:	\$ 0	Utilities:	\$ 0
Cell Phone:	\$ 0	Food:	\$ 0	Child Care:	\$ 0
Child Support:	\$ 0	Alimony:	\$ 0	Medical Bills:	\$ 0
Other Expenses:	\$ 0	(specify):			

4b. What is the total amount of these monthly expenses? \$ 0.00

5a. List all cars, trucks, motorcycles, or recreational vehicles (all-terrain vehicles, motor homes, snowmobiles, boats), including their make, model, and year, that you own, individually or jointly:

n/a

5b. What is the total value of these items less any amount owed? \$ 0.00

6a. List all real estate (houses, lots, land, rental property, other commercial property) that you, individually or jointly, own.

n/a

6b. What is the total value of these items less any amount owed? \$ 0.00

7. What would the consequences be for you if a waiver of fees, costs, or security is denied?

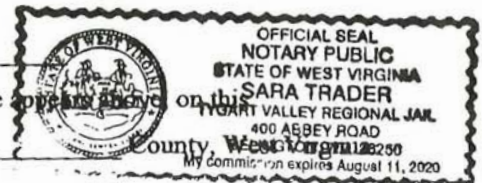
I would be unable to proceed with this action, and in turn be denied my right to access of courts, as I am unable to pay while incarcerated.

8. This application consists of three (3) pages and _____ pages of supporting financial documents.

By signing my name on this form, I swear to or affirm: (1) the completeness and truthfulness, to the best of my ability and knowledge, of the information I have provided and (2) my belief that I have a right to a waiver.

Signature of Affiant-Applicant: [Signature]

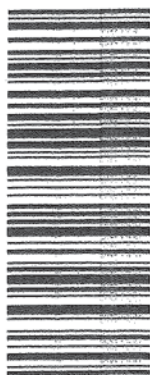
Taken, subscribed, and sworn or affirmed before me, by the person whose signature appears above on this

11 day of March, 20 19, in BarboursSignature of Notary (Clerk or Deputy Clerk): [Signature]

For Court Use Only

The affiant's application for a waiver is (clerk: initial one) _____ granted _____ denied.

Date: _____ Signature of Clerk or Deputy: _____



RETURN RECEIPT REQUESTED

Track ID



218471

71969008911196991556

Trk #: LEGAL DEPARTMENT

Full Name:

Building: HQA

Depart: HQA

Notes:

Date Rec'd: 5/14/2019 8:40:28 AM

RETURN RECEIPT REQ
USPS® MAIL CARRI
DETACH ALONG PERFO



Thank you for using Return Receipt Service

C

HQA



Altria Group
6601 W. Broad St.
Richmond, VA 23230

Thank you for using Return Receipt Service

